

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BOARD OF TRUSTEES OF THE KERN
COUNTY ELECTRICAL WORKERS'
PENSION FUND, et al.,

Plaintiffs,

v.

ATKINS SPECIALTY SERVICES, INC.,
ATKINS SERVICES, INC., JEFFREY
ATKINS, RHONDA ATKINS; and DOES 1
through 25,

Defendants.

Case No. 1:21-cv-01656-AWI-BAK (BAM)

**ORDER REQUIRING DEFENDANTS
JEFFREY ATKINS AND RHONDA
ATKINS TO APPEAR BEFORE THE
COURT ON MARCH 28, 2022, TO SHOW
CAUSE WHY SANCTIONS SHOULD NOT
BE IMPOSED FOR FAILURE TO
COMPLY WITH A COURT ORDER**

On November 14, 2021, Plaintiffs Board of Trustees of the Kern County Electrical Workers' Pension Fund, Board of Trustees of the Kern County Electrical Workers' Health and Welfare Trust, Board of Trustees of the Kern County Electrical Journeyman and Apprenticeship Training Trust and Construction Benefits Administration, Inc. ("Plaintiffs") initiated this action to collect delinquent contributions. The complaint names four defendants: (1) Atkins Specialty Services, Inc.; (2) Atkins Services, Inc.; (3) Jeffrey Atkins; and (4) Rhonda Atkins. (Doc. 1.)

On February 8, 2022, the Court held a Scheduling Conference in this action. The individual defendants, Jeffrey Atkins and Rhonda Atkins, appeared at the conference in pro se.

1 Plaintiffs' counsel informed the Court that Defendants Jeffrey Atkins and Rhonda Atkins served
2 an answer that had not been filed on the docket. The Court instructed Plaintiffs' counsel to file
3 the answer. Additionally, the Court notified the parties that the entity defendants must have legal
4 representation. To allow additional time for the entity defendants to secure representation, the
5 Court set a status conference for March 14, 2022. The Court indicated that the parties should be
6 prepared to discuss not only the status of the entity defendants' representation, but also a
7 scheduling conference date and consent to magistrate judge jurisdiction.¹ (Doc. 14.)

8 On February 8, 2022, Plaintiffs filed the purported answer by the individual defendants,
9 Jeffrey Atkins and Rhonda Atkins. (Doc. 16.)

10 On March 14, 2022, the Court held a telephonic status conference. Counsel for Plaintiffs,
11 Tiffany Lena, appeared by telephone. However, despite the Court delaying the start of
12 proceedings, neither the entity defendants nor the individual defendants, Jeffrey Atkins and
13 Rhonda Atkins, appeared at the conference.²

14 Accordingly, Defendants Jeffrey Atkins and Rhonda Atkins are HEREBY ORDERED to
15 appear before the Court for a hearing on **Monday, March 28, 2022, at 8:30 AM in Courtroom**
16 **8 (BAM) before the undersigned** to show cause why sanctions should not be imposed and/or
17 why the Court should not strike their answer from the record. Defendants Jeffrey Atkins and
18 Rhonda Atkins shall appear at the hearing by telephone using the following dial-in number and
19 access code: **dial-in number 1-877-411-9748; access code 3219139.**

20 The Clerk of Court is directed to serve a copy of this order on Defendants Jeffrey Atkins
21 and Rhonda Atkins at the following address: 1085 Voyager Drive #330, Tehachapi, CA 93561.
22 (See Doc. 16.) Plaintiffs' counsel also is directed to serve a copy of this order on Defendants
23 Jeffrey Atkins and Rhonda Atkins at their last known address and, if available, at their e-mail
24 address(es) and file proof of such service with the Court.

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27 ¹ Plaintiffs' counsel was instructed to serve Defendants with a copy of the Court's minute order
28 setting the conference. (Doc. 15.)

² To date, the entity defendants have not answered the complaint or otherwise appeared in this
action.

Defendants Jeffrey Atkins and Rhonda Atkins are advised that failure to respond to this order will result in the imposition of sanctions and/or a recommendation that the Court strike their answer from the record and enter default for failure to comply with the Court's orders.

IT IS SO ORDERED.

Dated: **March 14, 2022**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE